

1 Marc Brainich, Bar No. 191034  
2 **FENNEMORE WENDEL**  
3 1111 Broadway, 24th Floor  
Oakland, California 94607  
Tel: (510) 834-6600 / Fax: (510) 834-1928  
[MBrainich@fennemorelaw.com](mailto:MBrainich@fennemorelaw.com)

4  
5 *Pro Hac Vice*  
Cody C. Bourke (Bar No. 46370)  
6 **FENNEMORE CRAIG, P.C.**  
7 1700 Lincoln Street, Suite 2400  
Denver, CO 80203  
Tel: (303) 291-3200; Fax: (303) 291-3201

8 Attorneys for Defendant  
LEPRINO FOODS COMPANY  
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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA  
12

13 PATRICK McDONALD,  
14 Plaintiff,  
15 v.  
16 LEPRINO FOODS COMPANY; and DOES 1  
through 25, inclusive,  
17 Defendants.  
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Case No. 2:23-CV-00637-TLN-DB  
Originally Filed in San Joaquin County  
Superior Court, Case No. STK-CV-UPI-  
2022-0007510  
**JOINT STIPULATION TO CONTINUE  
PRETRIAL DEADLINES: ORDER  
THEREON**  
Action Filed: August 25, 2022  
Trial Date: None

20 The parties to this action, Plaintiff PATRICK MCDONALD (“Plaintiff”) and Defendant  
21 LEPRINO FOODS COMPANY (“Defendant”), by and through their respective undersigned  
22 counsel, hereby state the following and agree to enter into the following stipulation:

- 23 1. Under the current Joint Stipulation to Continue Pretrial Deadlines; Order Thereon, filed  
24 on November 22, 2023, the current deadline for the parties to complete all discovery,  
25 except expert discovery, is April 8, 2024. The deadline to serve expert witness  
disclosures is June 6, 2024, and the current deadline to serve rebuttal expert disclosures  
26 reports is July 7, 2024.  
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2. There is no trial date scheduled for the above-captioned matter.
3. The parties are diligently conducting discovery in this case, including the exchange of Initial Disclosures, serving business records subpoenas to Plaintiff's medical providers and previous employers, and serving and responding to multiple sets of written discovery, and scheduling depositions.
4. Plaintiff's counsel has taken the deposition of four Leprino employees, Toby Paluck, Sajan Shah, Doug Chitwood, and Jose Damudio.
5. In addition, at Plaintiff's request, Defendant has agreed to produce its employee Jose Cuervas during the week of April 15, 2024 – at least one week after the current fact discovery cut-off of April 8, 2024
6. Plaintiff now resides in the Seattle, Washington area. He has, however, kindly agreed to travel to Sacramento, California, at Defendant's expense, for an independent medical examination ("IME") with Defendant's retained expert orthopedic surgeon Roland Winter, M.D. on April 11, 2024, shortly after the discovery cut-off.
7. In addition, Plaintiff will be deposed in person in Sacramento on April 12, 2024, again shortly after the fact discovery cut-off.
8. Once Plaintiff has been deposed, counsel for Defendant will be in a position to determine which of his medical treaters need to be deposed.
9. In addition, Defendant has encountered difficulties in obtaining medical records from certain out of state medical providers pursuant to subpoena. Plaintiff has kindly provided authorizations for the release of those records, and they are expected to be produced by the end of April, 2024.
10. In addition, the parties have agreed to opt-in to the Court's Voluntary Dispute Resolution Program ("VDRP") after the completion of Plaintiff's IME and deposition. Substantial discovery has been completed, but some additional discovery is still needed in order to provide the parties sufficient information to engage meaningfully in VDRP before incurring expert substantial expert costs and attorneys' fees.

1       11. For the aforementioned reasons, good cause exists and no party will be prejudiced by  
2           the request herein as it is stipulated.

3       12. Accordingly, Plaintiff and Defendant jointly request that the pretrial deadlines for fact  
4           and expert discovery be continued as set forth below:

5       **IT IS HEREBY AGREED, STIPULATED, AND REQUESTED THAT:**

- 6       1. The current fact discovery cutoff date be extended from April 8, 2024, up to and  
7           including July 8, 2024.
- 8       2. The current deadline to serve expert disclosures and expert reports be extended from  
9           June 6, 2024, up to and including September 6, 2024.
- 10      3. The current deadline to serve rebuttal expert disclosures and expert reports be  
11           extended from July 7, 2024 up to and including October 7, 2024.
- 12      4. The current deadline to file a Trial Readiness Notice, if no dispositive motions are  
13           filed, be extended from August 8, 2024 to November 8, 2024.

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15      Dated: April 10, 2024.

ZINK & LENZI

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17      By:/s/ *Alert J. Lenzi*

18           Albert J. Lenzi  
19           Attorney for Plaintiff  
20           Patrick McDonald

21  
22      Dated: April 23, 2024.

FENNEMORE WENDEL

23      By:/s/ *Cody Bourke*

24           Cody Bourke  
25           Attorney for Defendant  
26           Leprino Foods Company

## ORDER

Pursuant to the parties' Joint Stipulation, and good cause appearing, the Court hereby orders as follows:

1. The current fact discovery cutoff date be extended from April 8, 2024, up to and including July 8 2024.

2. The current deadline to serve expert disclosures and expert reports be extended from June 6, 2024, up to and including September 6, 2024.

3. The current deadline to serve rebuttal expert disclosures and expert reports be extended from July 7, 2024, up to and including October 7, 2024.

4. The current deadline to file a Trial Readiness Notice, if no dispositive motions are filed, be extended from August 8, 2024 to November 8, 2024.

## **IT IS SO ORDERED.**

DATED: April 24, 2024.

Troy L. Nunley

Troy L. Nunley  
United States District Judge

**CERTIFICATE OF SERVICE**

*Patrick McDonald v. Leprino Foods Company, et al.*  
USDC – Eastern District of California, Case No. 2:23-cv-00637-TLN-DB

I am a citizen of the United States and employed in Alameda County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1111 Broadway, 24<sup>th</sup> Floor, Oakland, California 94607.

On April 24, 2024, I served true copies of the following document(s) described as:

**JOINT STIPULATION TO CONTINUE PRETRIAL DEADLINES: ORDER THEREON**

on the interested parties in the action as follows:

Albert J. Lenzi  
Zink & Lenzi  
250 Vallombrosa Avenue, Suite 175  
Chico, CA 95926  
Phone: (530) 895-1234  
Fax: (510) 895-1234  
Email: [al@zinkandlenzi.com](mailto:al@zinkandlenzi.com)

*Attorneys for Plaintiff Patrick McDonald*

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.. Participants in the case who are not registered CM/ECF users will be served by mail or other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 24, 2024, at Oakland, California.

  
Lena S. Mason